



# **CITY OF SANTA BARBARA**

## **CITY COUNCIL MINUTES**

### **REGULAR MEETING**

**June 7, 2011**

**COUNCIL CHAMBER, 735 ANACAPA STREET**

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#### **CALL TO ORDER**

Mayor Helene Schneider called the joint meeting of the Council and the Redevelopment Agency to order at 2:00 p.m. (The Ordinance Committee met at 12:30 p.m. The Finance Committee, which ordinarily meets at 12:30 p.m., did not meet on this date.)

#### **PLEDGE OF ALLEGIANCE**

Mayor Schneider.

#### **ROLL CALL**

Councilmembers present: Dale Francisco, Frank Hotchkiss, Grant House, Randy Rowse, Michael Self, Bendy White, Mayor Schneider.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Susan Tschech.

#### **CEREMONIAL ITEMS**

1. Subject: Proclamation Declaring June 8, 2011, As World Oceans Day (120.04)

Action: Proclamation presented to Danielle Lipski and Linda Krop, representing the Channel Islands National Marine Sanctuary.

2. Subject: Employee Recognition - Service Award Pins (410.01)

Recommendation: That Council authorize the City Administrator to express the City's appreciation to employees who are eligible to receive service award pins for their years of service through June 30, 2011.

(Cont'd)

2. (Cont'd)

Documents:

June 7, 2011, report from the Assistant City Administrator/Administrative Services Director.

Speakers:

Staff: City Administrator James Armstrong, Award Recipients Michael Cano and John Bridley.

By consensus, the Council approved the recommendation, and the following employees were recognized:

5-Year Pin

Alison Grube, Community Development  
Peter Lawson, Community Development  
Gloria Shafer, Community Development  
Jay Benson, Police  
Michael Epstein, Police  
Andrew Merrett, Police  
Andy Radujko, Police  
Matthew Lombardi, Public Works  
Tom Mozako, Public Works  
Gerardo Lopez, Public Works  
Linda Morris, Library  
Guadalupe Castillo, Library

10-Year Pin

Renee Brooke, Community Development  
Richard Ames, Fire  
Alejandro Mayorga, Public Works  
Anthony Glover, Public Works  
Olga Montoya, Parks and Recreation  
Dana Versola, Parks and Recreation

25-Year Pin

Michael Cano, Public Works

30-Year Pin

John Bridley, Waterfront

**PUBLIC COMMENT**

Speakers: Chuck Jefferson, United Cerebral Palsy, Inc.; Wayne Scoles; David Daniel Diaz; John Blankenship; Gerald Patyfu; Nancy Tunnell; Kate Smith; Edmond Finucane; Bryan Rosen; Patricia Rosen.

## **CONSENT CALENDAR (Item Nos. 3 – 14, 17, and 18)**

The titles of the ordinance and resolutions related to Consent Calendar items were read.

Motion:

Councilmembers House/Francisco to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

3. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the special meetings of April 27, May 5, and May 9, 2011, the regular meeting of May 10, 2011, and the special meetings of May 12, and May 16, 2011.

Action: Approved the recommendation.

4. Subject: Fiscal Year 2011 Interim Financial Statements For The Ten Months Ended April 30, 2011 (250.02)

Recommendation: That Council accept the Fiscal Year 2011 Interim Financial Statements for the Ten Months Ended April 30, 2011.

Action: Approved the recommendation (June 7, 2011, report from the Finance Director).

5. Subject: Adoption of Sign Ordinance Revisions (640.02)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Sections 22.70.020 and 22.70.030 of the Santa Barbara Municipal Code Relating to Sign Regulations.

Speakers:

Staff: City Attorney Stephen Wiley.

Action: Approved the recommendation; Ordinance No. 5552.

6. Subject: Records Destruction For Airport Department (160.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Airport Department in the Administration Division.

(Cont'd)

6. (Cont'd)

Action: Approved the recommendation; Resolution No. 11-031 (June 7, 2011, report from the Airport Director; proposed resolution).

7. Subject: Submission Of Grant Application For Non-Point Source Water Pollution Reduction Project (540.14)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing the Parks and Recreation Director, or Designee, to Submit an Application to the State Water Resources Control Board for Grant Funding of \$500,000 from the Clean Water State Revolving Fund (CWSRF) for the Infrastructure Retrofit - Storm Water Quality Improvement Project.

Action: Approved the recommendation; Resolution No. 11-032 (June 7, 2011, report from the Parks and Recreation Director; proposed resolution).

8. Subject: Alcoholic Beverage Control Grant Assistance To Local Law Enforcement Agencies (520.04)

Recommendation: That Council:

- A. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing Acceptance of Funding Granted by the Department of Alcoholic Beverage Control for the Alcoholic Beverage Control Grant Assistance to Local Law Enforcement Agencies Project;
- B. Authorize the Police Chief to execute the grant agreement award; and
- C. Appropriate the City's grant allocation of \$60,000 to the Miscellaneous Grant Fund.

Action: Approved the recommendations; Resolution No. 11-033; Agreement No. 23,792 (June 7, 2011, report from the Chief of Police; proposed resolution).

9. Subject: Approval Of Emergency Purchase Order For Digester Building Sludge Line Repair At The El Estero Wastewater Treatment Plant (540.13)

Recommendation: That Council authorize the General Services Manager to award an after-the-fact Purchase Order Contract in the amount of \$66,640 to Lash Construction, Inc. (Lash), for the emergency repair of the Digester Building Sludge Lines at the El Estero Wastewater Treatment Plant (El Estero).

Action: Approved the recommendation (June 7, 2011, report from the Public Works Director).

10. Subject: Approval Of Emergency Purchase Orders For Response To Milpas Roundabout Sewer Main Break (540.13)

Recommendation: That Council authorize the General Services Manager to approve after-the -fact Emergency Purchase Orders to:

- A. Tierra Contracting, Inc. (Tierra), for assisting City staff with emergency response services to prepare the site and install a temporary bypass pumping system at the Milpas Roundabout, in an amount not to exceed \$24,000;
- B. Rain For Rent for providing rental and delivery of a temporary bypass pumping system at the Milpas Roundabout, in an amount not to exceed \$23,668.90; and
- C. Southland Water Technologies for delivery and installation of a wireless level sensing alarm and a one-year service contract, in an amount not to exceed \$2,654.50.

Action: Approved the recommendations (June 7, 2011, report from the Public Works Director).

11. Subject: Contract For Development Of Wastewater Collection System Strategic Management Program, Phase II (540.13)

Recommendation: That Council authorize the Public Works Director to execute a contract with Brown and Caldwell in the amount of \$144,820 to continue development of the Collection System Capital Planning and related Sewer System Management Plan activities, and authorize the Public Works Director to approve expenditures of up to \$14,482 for extra services of Brown and Caldwell that may result from necessary changes in the scope of work, for a total not-to-exceed amount of \$159,302.

Action: Approved the recommendation; Contract No. 23,793 (June 7, 2011, report from the Public Works Director).

12. Subject: Agreement With The Santa Barbara Metropolitan Transit District For Transit Services (150.05)

Recommendation: That Council authorize the Public Works Director to execute a two-year Master Agreement (Agreement) for fiscal years 2012 and 2013, in a form of agreement acceptable to the City Attorney, with the Santa Barbara Metropolitan Transit District (MTD) for transit services in an amount not to exceed \$1,391,521 for Fiscal Year 2012.

(Cont'd)

12. (Cont'd)

Speakers:

- Staff: City Administrator James Armstrong, who advised that this agreement will cover Fiscal Year 2012 only; Transportation Manager Browning Allen.
- Metropolitan Transit District: General Manager Sherrie Fisher.

Action: Approved the recommendation; Agreement No. 23,794 (June 7, 2011, report from the Public Works Director).

13. Subject: Renewal Of Agreement For Paratransit Services With Easy Lift Transportation, Incorporated (670.01)

Recommendation: That Council authorize the Public Works Director to execute an agreement with Easy Lift Transportation, Incorporated (Easy Lift), for paratransit services for elderly and mobility-impaired people, in an amount not to exceed \$229,416.73 for Fiscal Year 2012.

Action: Approved the recommendation; Agreement No. 23,795 (June 7, 2011, report from the Public Works Director).

14. Subject: Appropriation Of Auto Theft Funds (520.04)

Recommendation: That Council increase appropriations by \$6,400 in the Police Asset Forfeiture and Grants Fund from Auto Theft Program reserves for use in the production and airing of a Public Service Announcement commercial educating the public on preventing auto theft.

Action: Approved the recommendation (June 7, 2011, report from the Chief of Police).

Agenda Item Nos. 15 and 16 appear in the Redevelopment Agency minutes.

NOTICES

17. The City Clerk has on Thursday, June 2, 2011, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
18. A City Council site visit is scheduled on Monday, June 13, 2011, at 1:30 p.m. to the property located at 900 Calle de los Amigos, which is the subject of an appeal hearing set for June 14, 2011, at 2:00 p.m.

This concluded the Consent Calendar.

## **REPORT FROM THE ORDINANCE COMMITTEE**

Ordinance Committee Chair Grant House reported that the Committee reviewed and approved for forwarding to the Council a proposed ordinance and resolution related to operations at the Santa Barbara Airport.

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

### **PUBLIC WORKS DEPARTMENT**

19. Subject: Public Hearing For The Parking And Business Improvement Area Annual Assessment Report For Fiscal Year 2012 (550.10)

Recommendation: That Council:

- A. Consider appropriate protests to the Parking and Business Improvement Area Annual Assessment Report for Fiscal Year 2012, as required under the California Parking and Business Improvement Area Law of 1989; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Fixing and Assessing the Parking and Business Improvement Area Assessment Rates for Fiscal Year 2012, and Confirming Approval of the Parking and Business Improvement Area Annual Assessment Report for Fiscal Year 2012.

Documents:

- June 7, 2011, report from the Public Works Director.
- Proposed Resolution.
- PowerPoint presentation prepared and made by Staff.

The title of the resolution was read.

Public Comment Opened:  
2:56 p.m.

Speakers:  
Staff: Transportation Manager Browning Allen.

Public Comment Closed:  
3:00 p.m.

Motion:  
Councilmembers Rowse/Hotchkiss to approve the recommendations;  
Resolution No. 11-034.

Vote:  
Unanimous roll call vote.

Councilmembers Hotchkiss, House, and White stated they would not participate in the following item due to conflicts of interest related to their ownership of or residence at property located within the Assessment District, and they left the meeting at 3:01 p.m. City Attorney Stephen Wiley disclosed a similar conflict and also left the meeting; Assistant City Attorney Sarah Knecht took his place.

## FIRE DEPARTMENT

20. Subject: Renewal Of Levy For Fiscal Year 2012 For The Wildland Fire Suppression Assessment District (290.00)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Its Intention to Continue Vegetation Road Clearance, Implementation of a Defensible Space Inspection and Assistance Program, and Implementation of a Vegetation Management Program Within the Foothill and Extreme Foothill Zones; Declaring the Work to be of More Than General or Ordinary Benefit and Describing the District to be Assessed to Pay the Costs and Expenses Thereof; Approving the Engineer's Report; Confirming Diagram and Assessment; and Ordering Continuation of the Wildland Fire Suppression Assessment District for Fiscal Year 2012.

### Documents:

- June 7, 2011, report from the Fire Chief.
- Proposed Resolution.
- PowerPoint presentation prepared and made by Staff.

The title of the resolution was read.

Public Comment Opened:  
3:02 p.m.

### Speakers:

- Staff: Fire Marshal Joe Poiré, Fire Services Specialist Amber Anderson, City Administrator James Armstrong, Assistant City Attorney Sarah Knecht.
- SCI Consulting Group (Consultant to City): Engineer of Work John Bliss.

Public Comment Closed:  
3:28 p.m.

### Motion:

Councilmembers Francisco/Self to approve the recommendation;  
Resolution No. 11-035.

### Vote:

Unanimous roll call vote (Absent: Councilmembers Hotchkiss, House, White).



Councilmembers Hotchkiss, House and White and City Attorney Stephen Wiley returned to the meeting at 3:29 p.m.

#### CITY ADMINISTRATOR

21. Subject: 2011 Legislative Platform (160.02)

Recommendation: That Council:

- A. Adopt the 2011 Legislative Platform that guides the City's support or opposition to state and federal legislation; and
- B. Authorize the Mayor, Councilmembers, and staff, on behalf of the City of Santa Barbara, to contact state and federal representatives to advocate for legislation consistent with the goals of the Legislative Platform.

Documents:

- June 7, 2011, report from the City Administrator.
- PowerPoint presentation prepared and made by Staff.

Speakers:

Staff: Assistant to the City Administrator Nina Johnson, Police Captain Alex Altavilla, Employee Relations Manager Kristy Schmidt, Water Resources Manager Rebecca Bjork, Environmental Services Manager Matthew Fore, Public Works Director Christine Andersen, City Administrator James Armstrong.

Motion:

Councilmembers White/Francisco to make the following changes to the Draft 2011 Legislative Platform:

- 1) Retain, under PUBLIC SAFETY/INSURANCE/Police/Fire, the item reading "Support uninsured vehicles being subject to impoundment, and redeemed only with proof of insurance, with unredeemed vehicles being sold to pay for the cost of the program."
- 2) Revise, under PUBLIC SAFETY/LAW ENFORCEMENT/Police, the item reading "Support federal anti-racial profiling legislation that provides financial support to state and local law enforcement agencies for training, equipment, and data collection" to strike out the phrase ", equipment, and data collection".
- 3) Revise, under ENVIRONMENTAL QUALITY/WATER QUALITY/Public Works/Community Development, the item reading "Support ~~the rights of cities to enact ordinances that restrictions on~~ the use of water softeners to minimize impacts to wastewater treatment operations" to read "Support the rights of cities to enact ordinances that restrictions ~~on~~ the use of water softeners to minimize impacts to wastewater treatment operations."

Vote:

Unanimous voice vote.

(Cont'd)

21. (Cont'd)

Motion:

Councilmembers House/Self to adopt the 2011 Legislative Platform with the amendments made by the prior action, excluding the language relating to CITY ADMINISTRATION/OPEN MEETING LAW (THE BROWN ACT).

Vote:

Majority voice vote (Noes: Councilmembers Francisco, Self).

Motion:

Councilmembers Francisco/Hotchkiss to amend the adopted 2011 Legislative Platform to include proposed changes to language related to CITY ADMINISTRATION/OPEN MEETING LAW (THE BROWN ACT).

Vote:

Majority voice vote (Noes: Councilmembers House, White, Mayor Schneider).

## **MAYOR AND COUNCIL REPORTS**

24. Subject: Interviews For City Advisory Groups (140.05)

Recommendation: That Council:

- A. Hold interviews of applicants to various City Advisory Groups; and
- B. Continue interviews of applicants to June 14, 2011.  
(Estimated Time: 4:00 p.m.; Continued from May 24, 2011, Item No. 19)

Speakers:

The following applicants were interviewed:

Access Advisory Committee:

Robert Burnham

Creeks Advisory Committee:

Natasha Lohmus

Downtown Parking Committee:

Ruth Anne Bowe

Housing Authority Commission:

Robert Burke

Living Wage Advisory Committee:

Anna Kokotovic

Parks and Recreation Commission:

Charles Trentacosti

Rental Housing Mediation Task Force:

Chris Casebeer

Single Family Design Board:

Fred Sweeney

(Cont'd)

24. (Cont'd)

By consensus, the Council continued the interviews to June 14, 2011.

## **RECESS**

5:24 p.m. - 5:36 p.m. Councilmember House was absent when the Council reconvened.

## **REDEVELOPMENT AGENCY REPORTS**

22. Subject: Resolutions Approving The Transfer Of All Real Property Of The Redevelopment Agency Of The City Of Santa Barbara To The City Of Santa Barbara (620.03)

Recommendation:

- A. That the Agency Board adopt, by reading of title only, A Resolution of the Redevelopment Agency of the City of Santa Barbara Approving the Transfer of All Interests in Real Property, Including All Leaseholds and Easements, Owned by the Redevelopment Agency of the City of Santa Barbara to the City of Santa Barbara to Implement the Provisions Set Forth in the Multi-Year Cooperation Agreement and the Redevelopment Plan for the Central City Redevelopment Project Area; and
- B. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting Title to All Interests in Real Property, Including Leaseholds and Easements, Owned by the Redevelopment Agency of the City of Santa Barbara, as Legally Described in Exhibit A Attached Hereto, and Authorizing the Recordation of the Grant Deed in the Official Records, in the Office of the County Recorder, County of Santa Barbara, State of California, to Implement the Provisions Set Forth in the Multi-Year Cooperation Agreement and the Redevelopment Plan for the Central City Redevelopment Project Area.

Documents:

- June 7, 2011, report from the Assistant City Administrator/Community Development Director/Deputy Director.
- Proposed Resolutions.
- PowerPoint presentation prepared and made by Staff.

The titles of the resolutions were read.

Speakers:

Staff: Housing and Redevelopment Manager Brian Bosse, City Administrator/Executive Director James Armstrong.

(Cont'd)

22. (Cont'd)

Motion:

Council/Agency members Hotchkiss/Rowse to approve the recommendations; City Council Resolution No. 11-036; Redevelopment Agency Resolution No. 1026; Deed No. 61-363.

Vote:

Unanimous roll call vote (Absent: Council/Agency member House).

Councilmember House returned to the meeting at 5:49 p.m.

## **PUBLIC HEARINGS**

23. Subject: Appeal Of The Architectural Board of Review Approval Of The Review After Final Of 336 North Milpas Street (640.07)

Recommendation: That the Council deny the appeal of Tony Fischer on behalf of the Mary Z. Frangos Trust, and uphold the Architectural Board of Review (ABR) approval of the Review After Final of the application of Fresh & Easy Neighborhood Market for changes to an entry tower, entry ramps, doors, and a roof parapet.

Documents:

- June 7, 2011, report from the Assistant City Administrator/Community Development Director.
- PowerPoint presentation prepared and made by Staff.
- Undated letter from Edward St. George.

Public Comment Opened:

5:46 p.m.

Speakers:

- Staff: Senior Planner Jaime Limón, Supervising Transportation Planner Steven Foley, City Attorney Stephen Wiley, Assistant City Administrator/Community Development Director Paul Casey.
- Appellant: Attorney Tony Fischer, Constantino Frangos.
- Applicant: Architect Sean Unsell; Randy Jones and Linda Haynes, Fresh & Easy Neighborhood Market.

Public Comment Closed:

7:03 p.m.

(Cont'd)

23. (Cont'd)

Motion:

Councilmembers House/Rowse to approve the recommendation, denying the appeal and upholding the Architectural Board of Review's project approval, but refer the project to Staff for compliance with the following additional conditions:

- 1) Reduce the proposed 8-foot wall at the perimeter of the site to 6 feet along the property line shared with 318-320 N. Milpas Street; and
- 2) Increase the width of the sidewalk along the Milpas Street frontage to the maximum extent feasible given the site constraints and the building design reflected in the working drawings, but in any case at least a minimum of 2 feet at the street tree pinch points.

Vote:

Unanimous voice vote.

## **CHANGES TO THE AGENDA**

### Items Continued to Future Meeting

Motion:

Councilmembers House/White to continue Agenda Item Nos. 25 and 26 to the special meeting of June 9, 2011.

Vote:

Unanimous voice vote.

25. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. Pending litigation considered is: Warner McGrew v. City of Santa Barbara, case number GOL 0101359.

Scheduling: Duration, 10 minutes; anytime

Report: None anticipated

26. Subject: Conference With Labor Negotiator (440.05)

Recommendation: That Council hold a closed session, per Government Code Section 54957.6, to consider instructions to City negotiator Kristy Schmidt, Employee Relations Manager, regarding negotiations with General and Supervisory bargaining units, and regarding discussions with unrepresented management about salaries and fringe benefits.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

## **ADJOURNMENT**

Mayor Schneider adjourned the meeting at 8:00 p.m. to Monday, June 13, 2011, at 1:30 p.m. at 900 Calle de los Amigos.

SANTA BARBARA CITY COUNCIL

SANTA BARBARA  
CITY CLERK'S OFFICE

_____	ATTEST: _____
HELENE SCHNEIDER	SUSAN TSCHECH, CMC
MAYOR	DEPUTY CITY CLERK